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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,421	04/19/2006	Tetsuya Hayashi	043888-0447	9484
53(80)	7590	02/24/2010	EXAMINER	
MCDERMOTT WILL & EMERY LLP			RADEMAKER, CLAIRE L.	
600 13TH STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3096			1795	
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10576421	4/19/2006	HAYASHI ET AL.	043888-0447
<b>EXAMINER</b>			
MCDERMOTT WILL & EMERY LLP			CLAIRE L.. RADEMAKER
600 13TH STREET, NW			
WASHINGTON, DC 20005-3096			
ART UNIT		PAPER	
1795		20100219B	

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**Commissioner for Patents**

The Board of Patent Appeals and Interferences returned this Application to the Examiner on February 10, 2010. A review of the Application revealed that it is not ready for docketing as an appeal for the following reasons:

The Appeal Brief dated July 9, 2009 filed by the Appellant is not in compliance with 37 C.F.R. § 41.37(c) effective September 13, 2004 because the "Summary of claimed subject matter" appearing on pages 2-3 of the Appeal Brief filed July 9, 2009 is deficient because it does not refer to the Specification for independent claims 1 & 5.

An entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 C.F.R. § 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

/Dah-Wei D. Yuan/  
Supervisory Patent Examiner, Art Unit 1795